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PLEASE TAKE NOTICE that Mennaker & Herrmann, LLP and Witman, Stadtmauer & Michaels, P.A., attorneys for defendant Equity Financial Group, LLC (“Equity”) shall move before Honorable Robert Kugler, U.S.D.J., sitting in the United States District Court for the District of New Jersey, at the Mitchell H. Cohen, United States Courthouse, 1 John F. Gerry Plaza, Camden, New Jersey on Monday, the 20th day of May, 2005, at 10:00 a.m. or as soon thereafter as counsel may be heard for an order for dismissal in favor of Equity and against plaintiff pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

In support of this motion, Equity shall rely upon the accompanying certification of Samuel F. Abernethy, Esq. and the papers submitted by and on behalf of defendants Robert W. Shimer and Vincent J. Firth in support of their motion for similar relief, which motion is also returnable May 20, 2005. Pursuant to L. Civ. R. 7.1(d)(1), this is to indicate that no brief is submitted herewith since Equity joins in the arguments set forth in the brief filed by co-defendants.

